

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0312

SENATE BILL NO. 39

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for tuberculosis screening for
2 school students and employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-28-7.1 be amended to read as follows:

5 13-28-7.1. Any pupil entering school or an early childhood program in this state, shall, prior
6 to admission, be required to present to the appropriate school authorities certification from a
7 licensed physician that the child ~~has received a test for tuberculosis and is free from a~~
8 ~~contagious form of tuberculosis and the child~~ has received or is in the process of receiving
9 adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps,
10 tetanus, and varicella, according to recommendations provided by the Department of Health.
11 The Department of Health may modify or delete any of the required immunizations. As an
12 alternative to the requirement for a physician's certification, the pupil may present:

13 (1) Certification from a licensed physician stating the physical condition of the child
14 would be such that ~~a test or~~ immunization would endanger the child's life or health;
15 or



1 (2) A written statement signed by one parent or guardian that the child is an adherent to
2 a religious doctrine whose teachings are opposed to such ~~test and~~ immunization; or

3 (3) A written statement signed by one parent or guardian requesting that the local health
4 department give the ~~test and~~ immunization because the parents or guardians lack the
5 means to pay for such ~~tests and~~ immunization.

6 The Department of Health may ~~adopt~~ promulgate reasonable rules, in accordance with
7 chapter 1-26, to require compliance and documentation of adequate immunization, to define
8 appropriate certification, and to specify standard procedure.

9 Section 2. That § 13-28-7.2 be amended to read as follows:

10 13-28-7.2. The local board of health, upon application of the school board of any school
11 affected by § 13-28-7.1 shall, at public expense to the extent that funds are available and without
12 delay, provide the ~~test for tuberculosis and the~~ immunizations required by § 13-28-7.1 to such
13 pupils as are not provided ~~therewith~~ the immunizations by their parents or guardians and who
14 have not been exempted.

15 Section 3. That § 13-43-3 be amended to read as follows:

16 13-43-3. The school board of a public or the governing body of a nonpublic school shall
17 require each employee, each student teacher, and each person providing services for pupils
18 under contract, who is in regular contact with pupils, to submit, within ten days after first being
19 employed, a certification of health signed by a licensed physician, nurse practitioner, certified
20 nurse midwife, or ~~physician's~~ physician assistant. The certification shall include a statement that
21 there is no evidence of physical condition that would endanger health, safety, or welfare of the
22 pupils in the initial examination. ~~Certification of freedom from tuberculosis shall be established~~
23 ~~by chest X ray or negative tuberculin skin tests. The secretary of the Department of Health shall~~
24 ~~prescribe the form for the certification of health and the certification of freedom from~~

1 ~~tuberculosis.~~

2 Section 4. That § 13-43-3.1 be repealed.

3 ~~—13-43-3.1. An employee under treatment for tuberculosis or having a positive skin test shall~~
4 ~~be evaluated yearly by a licensed physician to assure noncommunicability. Such yearly~~
5 ~~evaluation may not be required of an employee who has received documented, adequate,~~
6 ~~preventive therapy for tuberculosis as prescribed by the State Department of Health.~~

7 Section 5. That § 13-43-3.2 be repealed.

8 ~~—13-43-3.2. The X ray or tuberculin tests used shall be of the type recommended by the~~
9 ~~secretary of the State Department of Health. As an alternative to such tuberculin test~~
10 ~~requirements the employee shall present a written statement that he is an adherent of a religious~~
11 ~~denomination whose religious teachings are opposed to such test(s).~~